
SENATE BILL No. 343

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-50-1-6.

Synopsis: Qualified settlement offers. Increases from \$1,000 to \$5,000 the amount of attorney's fees, costs, and expenses that may be awarded by a court under certain circumstances when a qualified settlement offer in a civil action is rejected.

Effective: July 1, 2009.

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January 8, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 343

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-50-1-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) If:

3 (1) a recipient does not accept a qualified settlement offer; and

4 (2) the final judgment is less favorable to the recipient than the
5 terms of the qualified settlement offer;

6 the court shall award attorney's fees, costs, and expenses to the offeror
7 upon the offeror's motion.

8 (b) An award of attorney's fees, costs, and expenses under this
9 section must consist of attorney's fees at a rate of not more than one
10 hundred dollars (\$100) per hour and other costs and expenses incurred
11 by the offeror after the date of the qualified settlement offer. However,
12 the award of attorney's fees, costs, and expenses may not total more
13 than ~~one~~ **five** thousand dollars ~~(\$1,000)~~ **(\$5,000)**.

14 (c) A motion for an award of attorney's fees, costs, and expenses
15 under this section must be filed not more than thirty (30) days after
16 entry of judgment. The motion must be accompanied by an affidavit of
17 the offeror or the offeror's attorney establishing the amount of the

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1 attorney's fees and other costs and expenses incurred by the offeror
2 after the date of the qualified settlement offer. The affidavit constitutes
3 prima facie proof of the reasonableness of the amount.

4 (d) Where appropriate, the court may order a judgment entered
5 against the offeror and in favor of the recipient reduced by the amount
6 of attorney's fees, costs, and expenses awarded to the offeror under this
7 section (or IC 34-4-44.6-8 before its repeal).

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